IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.506 OF 2007
IN
SECOND APPEAL NO.260 OF 2004

Smt.Janabai L.Mazire & Ors. .. Applicants.
Vs.
Shri Kisan R.Mazire & Anr. .. Respondents.

Mr.S.V.Pitre for the applicants.
Mr.Rahul Kadam for Mr.Uday Warunjikar for respondent nos.1 and 2.

CORAM : D.B.BHOSALE, J.
DATED : 28TH AUGUST 2007.

P.C.:

. Heard learned counsel for the parties.

2. By this civil application the applicants have made the following prayer:

> "(b) This Hon'ble Court may be pleased to permit the applicants to sell and dipose of 3 Acres & 8 gunthas of land out of Gat No.178 (Old Survey No.32/3) situated at Village Bhukum, Taluka - Mulshi, Dist.Pune, pending hearing and final disposal of the present Second Appeal."

3. Civil application is filed in the second appeal which is arising from concurrent findings of the court below by which a suit filed by the applicants for partition stands decreed. The applicants represent the branch of Laxman Mazire while the respondents represent the branch of Rambhau

Mazire. Both these branches are held to have one half share each in the entire suit properties. Gat No.178 is one of the suit properties which admeasures 4 hectares and 85 R. Admittedly, the branch of Rambhau Mazire through Kisan and Haribhau Mazire have sold one half undivided share in Gat No.178 admeasuring 2 hectares and 42.5 R during pendency of the suit. This fact has not been denied by the respondents. It is thus clear that insofar as Gat No.178 is concerned, the decree of partition has been accepted by the respondents and in view thereof I find absolutely no reason to reject the prayer made by the applicants. Civil application is made absolute in terms of prayer clause (b). Civil application is disposed of.

(D.B.BHOSALE, J.)